

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Final**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** Rock-Tenn Packaging and Paperboard, LLC

**Mailing Address:** 504 Thrassher Street Norcross GA 30071

**Source Name:** Rock-Tenn Company-Nicholasville Folding  
**Mailing Address:** 200 Stephens Drive Nicholasville KU 40356

**Source Location:** 200 Stephens Drive Nicholasville KU 40356

**Permit Number:** V-01-003(Revision 1)

**Source A. I. #:** 2287

**Activity #:** APE20050003

**Review Type:** Title V, Conditional Major (HAPS),  
Administrative Amendment

**Source ID #:** 21-113-00003

**Regional Office:** Frankfort Regional Office  
643 Teton Trail, STE B  
Frankfort, KY 40601-1758  
(502)564-3358

**County:**


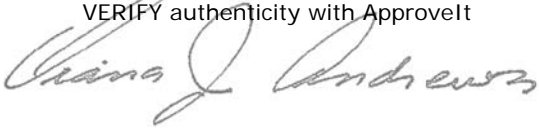
**Application** Jessamine

**Complete Date:** November 10, 2005

**Issuance Date:** March 21, 2003

**Revision Date:** February 10, 2006

**Expiration Date:** March 21, 2008

E-Signed by Diana Andrews  
VERIFY authenticity with ApproveIt   


**John S. Lyons, Director  
Division for Air Quality**

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Rev #	Permit Type	Log #	Complete Date	Issuance Date	Summary of Action
----- --	Initial Issuance	G430 (51216	12/21/2000	03/21/03	Initial Issuance
1	Administrative Amendment	APE20050003	11/10/05	02/10/06	1. Name Change 2. Removing Insignificant Activity (Page # 9 of 20) 3. Adding Insignificant Activity (Page 9 of 20)

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**01 (--)** Two Roland 800, 6 Color Offset Presses

### **Description:**

Two six color offset presses:

One constructed in 1985

One constructed in 1987 with an infrared dryer and aqueous coating unit

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations which commenced on or after July 2, 1975.

#### **1. Operating Limitations:**

NA

#### **2. Emission Limitations:**

- a. See Section D-SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

401 KAR 59:010, New process operations

- b. Section 3(2): PM emissions shall not exceed 2.34 lbs/hr per offset press.
- c. Section 3(1): Visible emissions shall not equal or exceed 20% opacity.

#### **Compliance Demonstration:**

Unless an opacity violation is documented by Division personnel, this emissions point is assumed to be in compliance with the mass and opacity limits.

#### **3. Testing Requirements:**

NA

#### **4. Specific Monitoring Requirements:**

NA

#### **5. Specific Recordkeeping Requirements:**

NA

#### **6. Specific Reporting Requirements:**

NA

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**05 (--)** Indirect Heat Exchanger

### **Description:**

Cleaver Brooks Model CB293-175A. Rated Capacity 7.323 mmBTU/hr. Natural Gas used as the primary fuel and No. 2 Fuel Oil as backup. Constructed 1971.

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 61:015, Existing Indirect Heat Exchangers which commenced construction prior to April 9, 1972.

1. **Operating Limitations:** NA

2. **Emission Limitations:**

401 KAR 61:015, Existing Indirect Heat Exchangers

a. Section 4(1): PM emissions shall not exceed 0.75 lb/mmBTU.

b. Section 4(3): Visible emissions shall not exceed 40% opacity.

c. Section 5(1): SO<sub>2</sub> emissions shall not exceed 6.0 lbs/mmBTU.

### **Compliance Demonstration:**

Compliance with items 4 and 5 below shall be deemed compliance with the PM, opacity and sulfur dioxide limits above.

Unless an opacity violation is documented by Division personnel, this point is assumed to be in compliance with the mass and opacity limits.

3. **Testing Requirements:**

If deemed necessary by the Division, stack testing shall be performed in accordance with 401 KAR 61:015, Section (7).

4. **Specific Monitoring Requirements:**

The permittee shall obtain and make available for inspection upon request fuel oil sulfur content certifications of each purchase.

5. **Specific Recordkeeping Requirements:**

The rate of fuel oil burned shall be measured and recorded monthly. These records shall be made available to the Division upon request.

6. **Specific Reporting Requirements:** NA

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**06 (--)** Indirect Heat Exchanger

### **Description:**

Superior Model 13-5-1000. Rated Capacity 8.4 mmBTU/hr. Natural Gas used as the primary fuel and No. 2 Fuel Oil as backup. Constructed 1987.

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New indirect heat exchangers which commenced construction after April 9, 1972.

1. **Operating Limitations:** NA

2. **Emission Limitations:**

401 KAR 59:015, New Indirect Heat Exchangers

- a. Section 4(1c): PM emissions shall not exceed 0.503 lb/mmBTU.
- b. Section 4(2): Visible emissions shall not exceed 20% opacity.
- c. Section 5(1c(1)): SO<sub>2</sub> emissions shall not exceed 2.49 lbs/mmBTU.

### **Compliance Demonstration:**

Compliance with items 4 and 5 below shall be deemed compliance with the PM, opacity and sulfur dioxide limits above.

Unless an opacity violation is documented by Division personnel, this point is assumed to be in compliance with the mass and opacity limits.

3. **Testing Requirements:**

If deemed necessary by the Division, stack testing shall be performed in accordance with 401 KAR 59:015, Section (8).

4. **Specific Monitoring Requirements:**

The permittee shall obtain and make available for inspection upon request fuel oil sulfur content certifications of each purchase.

5. **Specific Recordkeeping Requirements:**

The rate of fuel oil burned shall be measured and recorded monthly. These records shall be made available to the Division upon request.

6. **Specific Reporting Requirements:** NA

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **12 (--) Marquip Sheeter with Flexographic Printing**

#### **Description:**

Sheeter with flexographic printing capability - sheeter (maximum rated capacity - 18900 lbs/hr ) controlled by the building as an enclosure at 70 % efficiency, flexographic ink (maximum rated capacity - 76 lbs/hr ), cleanup (maximum rated capacity - 1.5 lbs/hr ), natural gas dryers - 2.4 MMBtu/hr maximum rated capacity  
Construction commenced: 1998

#### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations applicable to each affected facility which commenced construction on or after July 2, 1975.

Regulation 401 KAR 59:212, New graphic arts facilities using rotogravure and flexography applicable to each affected facility which commenced construction on or after June 24, 1992.

#### **1. Operating Limitations:**

401 KAR 59:212, New graphic arts facilities using rotogravure and flexography  
Section 6(1): The affected facility must utilize a water-borne ink whose volatile portion consists of seventy-five (75) volume percent water and twenty-five (25) volume percent organic solvent (or a lower VOC content) in all printing units.

#### **Compliance Demonstration:**

1. Percent Volume of VOC content in ink =  
$$\frac{\text{Percent weight of VOC content in ink} \times \text{Density of ink (lbs/gal)}}{\text{Density of VOC (lbs/gal)}}$$
2. If deemed necessary by the cabinet, the cabinet shall obtain samples of the ink used at the affected facility to verify that the inks meet the requirements in Section 6 of 401 KAR 59:212. Compliance with the volatile portion limitation shall be determined by recordkeeping. See No. 5 of this section.

#### **2. Emission Limitations:**

- a. See Section D-SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

401 KAR 59:010, New process operations

- b. Section 3(2): PM emissions shall not exceed 2.34 lbs/hr.
- c. Section 3(1): Visible emissions shall not equal or exceed 20% opacity.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Compliance Demonstration:**

PM emissions are determined to be in compliance with the allowable based on material balance using maximum rated capacity throughput, building enclosure and an emission factor of 0.002 lb/ton. Unless an opacity violation is documented by Division personnel, this point is assumed to be in compliance with the opacity limits.

### **3. Testing Requirements:**

NA

### **4. Specific Monitoring Requirements:**

Visual emissions observations from the sheeter shall be made daily when flexographic printing is in operational.

### **5. Specific Recordkeeping Requirements:**

1. Daily records shall be maintained by the source for the most recent five year period. These records shall be made available to the cabinet or the U.S. EPA upon request. These records shall include, not be limited to, the following:
  - (a) Application method and substrate type;
  - (b) Amount and type of graphic arts material or solvent used at each point of application, including exempt compounds;
  - (c) The VOC content as applied in each graphic arts material or solvent;
  - (d) The date for each application for graphic arts material or solvent;
  - (e) The amount of surface preparation, clean-up, or wash-up solvent (including exempt compounds) used and the VOC content of each; and
  - (f) Oven temperature, if applicable.
2. A log shall be kept of all visual emission observations. Record in the daily log the following:
  - (a) Whether any air emissions (except for water vapor) were visible from the process.
  - (b) Whether the visible emissions were normal for the process
  - (c) Whether the emissions were light or heavy
  - (d) The cause of any abnormal emissions, and any corrective actions taken.

### **6. Specific Reporting Requirements:**

See Section F, Monitoring, Record Keeping, and Reporting Requirements.



## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

13 (--) Roland 900, 8 Color Offset Printing Press

### **Description:**

Offset printing press - offset ink (maximum rated capacity -100 lbs/hr), UV inks (maximum rated capacity - 130 lbs/hr), Aqueous coating (maximum rated capacity - 234 lbs/hr), Offset cleanup (maximum rated capacity - 2 gals/hr), Etch (maximum rated capacity -2.5 lbs/hr)  
Construction commenced: 1998

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:210, New fabric, vinyl and paper surface coating operations applicable to each affected facility which commenced construction on or after June 24, 1992.

#### **1. Operating Limitations:**

401 KAR 59:210, New fabric, vinyl, and paper surface coating operations.  
Section 6(1): The VOC content of the aqueous coating used shall be less than 2.9 lbs/gal, excluding water or exempt solvent or both, delivered to the applications associated with the coating line.

#### **Compliance demonstration:**

If deemed necessary by the Division, samples of the aqueous coatings shall be provided upon request to verify that the coatings meet the requirements of 401 KAR 59:210.

Compliance with the aqueous coating VOC content limitation shall be determined by recordkeeping. See No. 5 of this section.

#### **2. Emission Limitations:**

See Section D-SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

#### **3. Testing Requirements:**

NA

#### **4. Specific Monitoring Requirements:**

NA

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **5. Specific Recordkeeping Requirements:**

Pursuant to Regulation 401 KAR 59:210, daily records shall be maintained by the source for the most recent five year period. These records shall be made available to the Division or U.S.EPA upon request. These records shall include, but not be limited to the following:

- a. Application method and substrate type;
- b. Amount and type of adhesive, coating (including catalyst and reducer for multicomponent coatings), or solvent used at each point of application, including exempt compounds;
- c. The VOC content as applied in each adhesive, coating, or solvent;
- d. The date for each application of adhesive, coating, or solvent;
- e. The amount of surface preparation, clean-up, or wash-up solvent (including exempt compounds) used and the VOC content of each; and
- f. Oven temperature, if applicable.

### **6. Specific Reporting Requirements:**

See Section F, Monitoring, Record Keeping, and Reporting Requirements.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Two Paperboard cutters (Bobst CER 162)	59:010
2.	8 Storage Tanks with less than 10,567 capacity containing a petroleum liquid with a vapor pressure of less than 1.5 psi.	NA
3.	Wax Applicator	NA
4.	Scrap Handling	59:010
5.	Jogger-Aerator	59:010
6.	Platemaking	NA
7.	Parts Washer	59:185
8.	Fugitive Emissions	63:010
9.	Safety Solvent Cleanup	NA
10.	Four Gluing Lines	NA
11.	Cutting Bulk Material with Ethyl Acetate	NA
12.	Window Machine (Fusion UV Curing System)	NA

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months
2. Testing shall be conducted at such times as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 Section 2(2) and KAR 50:045 Section 4.
3. Combined HAPS shall be less than 22.5 tons and any single HAP emissions shall be less than 9.0 tons per rolling 12 twelve- month period. Monthly record shall be kept of all the HAPS emissions. The permittee shall monitor HAPS content of each raw material and monthly process rate. The following equation shall be used:

$$\text{Monthly HAP emissions} = \sum [\text{Monthly usage of any HAP containing material in pounds or gallons per month}] \times [\text{HAP fraction}] \times [\text{appropriate conversion factor (if usage is in gallons) for gallons to pounds for any HAP containing material used}]$$

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.  
Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V) 1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due prior to January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 1b (V) 3, 4. of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401KAR 52:020, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, Kentucky 40601**

**U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960**

**Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601**

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.



## **SECTION G - GENERAL CONDITIONS**

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020 Section 26]..
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 2
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.
17. All previously issued construction and operating permits are hereby subsumed into this permit.
  - (b) Permit Expiration and Reapplication Requirements
    1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
    2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].
  - (c) Permit Revisions
    1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
    2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

NA

**SECTION I - COMPLIANCE SCHEDULE**

NA